



The Internet & Television Association
25 Massachusetts Avenue, NW | Suite 100
Washington, DC 20001
(202) 222-2300

Jennifer McKee
Vice President &
Associate General Counsel
o (202) 222-2460 e jmckee@ncta.com

October 18, 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Business Data Services, WC Docket No. 16-143
Special Access, WC Docket No. 05-25**

Dear Ms. Dortch:

On October 14, 2016, Jennifer McKee of NCTA – The Internet & Television Association (NCTA), and Michael Pryor of Cooley LLP, met with Nicholas Degani, Legal Advisor to Commissioner Pai, to discuss the above-referenced proceedings. NCTA reiterated its position that there is sufficient investment and competition occurring in the Ethernet marketplace to render rate regulation unnecessary, and that proposals in the record to impose such regulation would cause significant harm to future investment in fiber networks. We also suggested that any regulation of rates for TDM-based services should include a sunset date to encourage customers to transition to IP-based services. Finally, NCTA explained that cable operators often provide business data services on a private carrier basis and that the record in this proceeding does not provide a basis for a blanket conclusion that such services are, or should be, offered only on a common carrier basis.

Respectfully submitted,

/s/ **Jennifer K. McKee**

Jennifer K. McKee

cc: N. Degani